

COVINGTON ESTATES (N/F HARP) (01-41)

John Cappello, Esq., Mr. Tim Miller and Ms. Jane Samuelson appeared before the board for this proposal.

MR. PETRO: This is a proposed condominium project. This application proposes development of the three tax parcels with 124 multi-family housing units. This application was previously reviewed at the 13 June, 2001, 10 October, 2001, 22 May, 2002 planning board meetings. This application is before the board for a public hearing at this time. Property is located in an R-5 zone district of the town, bulk information on the plan is correct as presented and it's a permitted use in the zone. It's also in a designed historic corridor so Mike, I guess we're talking about that earlier, designed historic corridor, did we do anything at all, do you have anything on that? Okay, you want to make your presentation then we'll open it up to the people for a public hearing.

MR. CAPPELLO: My name is John Cappello, attorney with Jacobowitz & Gubits here with Tim Miller from Tim Miller Associates. Tim is the planner who's the author of the full environmental assessment form we filled in. I also have Jane Samuelson from Tectonic and Rusty Tilton from New Horizon Engineering who also did engineering on the project and David Weinberg from Landmaster, the developer of, the proposed developer of the project. This project has been before the board for about a year as we have been working out the details, we're happy to present the plan to the board and the public tonight. What we're looking at is a 124 multi-family development, this is Route 300 heading towards Vails Gate, this would be the Continental Manor development and once again, this is the Five Corners intersection just a little bit south of this project. What we will be presenting tonight is not just the project, but Tim Miller will be discussing most of the, presenting the plan and discussing some of the environmental issues the board raised. I'd like to before I give it over to Tim discuss a couple issues that I know have been hanging around with the planning board at least for a while that we have been working on over the course of the last year to rectify the first

issue involved, the road, and the actual ownership of the roadbed. There was offers of dedication, various documents to the town over the years and there was some confusion as to who owned what. We have worked with the town attorney over the course of the last year to clarify that to give correction to provide an offer of dedication for the proposed access road to clarify the ownership of the town from Route 300 all the way back to the railroad tracks, we intend as you will see to build up to here and then the town would own the portion from--

MR. PETRO: Let me hold you up there. I want it built to the property line. Did somebody talk me out of that for a reason because we didn't have to plow it? What was the reason that that wasn't done?

MR. EDSALL: More of a concern of having a stub road that could be abused, it would be an attractive nuisance.

MR. PETRO: Downside is the people who live in the two condos on either side of that road, nine years from now when we go to build the road are going to say we didn't know the road was there, I planted grass there, I planted flowers, bap, bap, bap, bap, I've got to hear all that junk.

MR. CAPPELLO: We'll put notes on the plans that the landscaping is subject to the offer of dedication. We'll file an offer of dedication in the County Clerk's Office so that will put everyone on notice, advising anyone of this, when they get their title reports that this land is offered and subject to an offer of dedication so they'll know from the very beginning and also the landscaping, this will be the entire area will be owned as condominium, so the homeowners association will be responsible, won't be one individual owner, so they'll know, they'll keep this as a unified development.

MR. PETRO: What you're saying is 100 percent, it's right and true, but in reality, nobody's going to together know that whoever lives there and everybody is going to say we don't want the through traffic so but

if that road is built and goes there and people see it there for the next ten years, they know something's up when they're buying there because if you think everybody is going to read the perspectus and everything that you just said and understand it, not gonna happen.

MR. CAPPELLO: Well, I think they'll understand the maps, we'll work with the town, but I think building it and I'm speaking from a bit of experience if you build it and come back in ten years, people still won't want it to be a through road and that's human nature. We'll put as much on the record so that everybody can be put on notice and you can complain all you want but if you were put on notice and you have the notice, you don't have a legal right and the town will have to do it because no matter what you do--

MR. PETRO: Why are you opposed to bringing that road over there, just for cost?

MR. CAPPELLO: Not just cost, it will serve as an area for garbage to collect or, you know.

MR. PETRO: How many feet is it to the property line, do we have a scale there?

MS. SAMUELSON: It's about a hundred feet.

MR. CAPPELLO: About a hundred.

MR. ARGENIO: Bring it in 10 or 20 feet.

MR. PETRO: I'm not sure yet, we're going to discuss that because I think not everybody is on the same page as me, let's talk about it some more.

MR. CAPPELLO: As we go through the presentation, you'll see to build the access road and to do this development, it will be done, we'll have to have preliminary SEQRA done, preliminary approval then we'll have to go get the various agency approvals, as we go through the various agency approvals and discuss this, this won't impact building this, it won't impact the layout, sewer, water, any of the important issues that

need review by the other agencies, so it could be an open item.

MR. PETRO: I'm off on a tangent about this, it's a pet thing for me to try to get more open roads in the Town of New Windsor so we can drive around. It takes me a half hour to get out of my driveway. And when we have a chance to make a road and open up a road, people scream and yell and that, so do it now while we're building all the units and it saves headaches, don't forget you're going to be long gone, whoever built this is going to be long gone.

MR. CAPPELLO: I will probably be representing the guys trying to build the Thruway.

MR. PETRO: You'll be one of the homeowners saying I told them I didn't want the road there. We'll come back to that. I want to talk to Mark and the other members, see how they feel because I'm not sure cause I don't want to just stick to going to the property line, maybe like Jerry says, come in X number of feet so it's delineated that people can see that something's going on there. Okay, next issue.

MR. CAPPELLO: So this road will be the main access road off 300, we have met with the DOT as Tim will explain and we're at the point now where the DOT is, we'll be obtaining a permit from them prior to construction, but the DOT won't issue anything until they know SEQRA's done and it's a real, preliminary approvals are granted, and it's a real design. So we have proceeded as far with the DOT as we can go on the road issue. The other issue I know was outstanding in order to provide water service to the parcel we need to extend water district number 5 to encompass this parcel.

MR. PETRO: You're working with the town?

MR. CAPPELLO: We have a petition from the town, we have worked with Mark's office and Mr. McGoey to review the engineering report to determine what improvements need to be made to the water system to accommodate this.

MR. PETRO: Conceptually.

MR. CAPPELLO: Conceptually, we have agreed once again we're waiting for this board to act on SEQRA and preliminary so the Town Board can rely on the SEQRA approval from this board to actually hold a public hearing and extend the district. Those were the two issues, I know we have been discussing, we're in a sewer district and with that we'll give it to Tim and Tim can discuss the specifics of the project. After we're done with the presentation, if the board or public has any comments, if the board wants us to direct us to answer questions, we'll be happy to comply.

MR. PETRO: Number of acres and permitted number of units, it's 6 per acre, R-5, correct, what's the maximum number of units you can have here?

MR. MILLER: There's a density calculation pursuant to Section 48-12 of the code takes into consideration slopes and wetlands, we went through that process prior to applying and that's how we came to the yield of 124 residential units, I'm not sure what the gross density is in the zoning.

MR. PETRO: Is that the maximum? That's where I'm going.

MR. MILLER: Pretty much the maximum.

MR. PETRO: You didn't really take anything away.

MR. MILLER: There was certainly some penalties if you will for steep slopes, we have a small wetlands on the site, so I wouldn't say it was a maximum. If the property were flat and had no constraints, it's the maximum in light of the constraints on the site.

MR. CAPPELLO: It's 7,000 square feet per unit.

MR. PETRO: I approximated it as 6, it's probably a little more than that.

MR. MILLER: I'm with Tim Miller Associates, I'm the planner for the applicant. We submitted a full environmental assessment statement, a Part 3 a year ago included storm water report, traffic analysis, couple other investigations and that's been before the board for some time and we have amended it with some correspondence since then after we've had meetings with the DOT and so forth. I will repeat a few things that John indicated. The site is located on 21.66 acres, it's bounded on the north by Route 300 and on the south by the Consolidated Railroad Corporation, which is railroad tracks in the R-5 zoning district. It's largely an existing residential neighborhood site presently consists of second growth hardwood, various ages of growth and varying topo. There's a very small wetland on the site under the jurisdiction of U.S. Army Corps of Engineers about 7/10 of an acre. We have received the jurisdictional determination from the Corps located down in this location and as you can see from the plan, there's no activity proposed in proximity to the wetlands. We don't expect that we will require any permit from the Corps of Engineers for this project. There are three tax parcels on the property, one is about an acre and a half, one's about 4 acres and the other one's about 16 acres. The design of the project attempts to minimize impacts to areas of steep slopes. Obviously, we have avoided the wetlands and there's a small water course down there as we expect that when the site is developed, little more than half of the site would be disturbed in order to install the road infrastructure and the proposed buildings. We anticipate with the road and the buildings we'd probably have six and a half acres of impervious acreage, storm water management system addresses detailed provisions of storm water basins, vegetated swales and other types of best management practices that would be used to manage storm water quality and control rates of runoff from the site.

MR. PETRO: Is that the, where the bulk of it is going?

MR. MILLER: There's three detention ponds, one here, one here and one here, I believe this is the largest. Is this the largest?

MS. SAMUELSON: Right, that's the largest one, what we tried to do is maintain the existing drainage on the site cause this is a nob, it runs off in all different directions, so we tried to keep the water going in the same direction.

MR. PETRO: I always ask this question, very few people ever know the answer. Once it leaves the detention pond, where is it going, wherever it goes now?

MS. SAMUELSON: Exactly.

MR. LANDER: Is that across the highway to the other side of Route 300?

MS. SAMUELSON: There's a existing pipe that goes underneath 300 now it's located right at our access drive so yes, some of it will go that way, most of it actually, you know, ends up going towards the back of the site.

MR. LANDER: Going towards Conrail, that's going to run along side Conrail?

MS. SAMUELSON: There's a low point in this area, we're continuing to send it in that direction.

MR. PETRO: Your answer is just dispersing it at the same rate because it's a detention pond, going out now even though you have all the impervious area, same amount exactly.

MR. LANDER: Property owner next door is Charlie Dardone next door to the project?

MR. PETRO: No, Continental Manor.

MR. MILLER: With respect to the proposed units, they are expected to have three bedrooms each, 2 1/2 baths they'll range in size from 1,600 to 2,000 square feet, these are some of the elevation studies of the units, each of the units will have two off-street parking spaces, this is a uphill, there's two types of units, there's uphill units and downhill units, each of the units will have a garage and a parking space in the

driveway. The units will be sold as condos, there will be a condo association created that will manage the clubhouse and all the open space and the landscaping around the project. There's a community center that's located at the north end of the site, there's a swimming pool there, there will be a fitness center, a meeting room, a kitchen.

MR. PETRO: When you build the pool, you're going to have a fence around it, when the fence is put up around the pool, it will be inside the 35 foot setback, won't that create a zoning problem, Mark?

MR. EDSALL: If it's a 4 foot fence, it would likely not be a problem. Six foot in a rear yard is not a problem if it's--

MR. PETRO: I think you should look into that, you might have a zoning problem there.

MR. EDSALL: Depends on the height of the fence and if it's a front yard area so you'll need to look at the zoning on that.

MR. ARGENIO: What's code for a pool, 52?

MR. PETRO: It's 52, I know it is, that's New York State. Is ours the same as that, Mike?

MR. BABCOCK: Yes.

MR. LANDER: But your fence can be right on your property line.

MR. MILLER: Project would also be landscaped and as I indicated, each of the units would have landscaping around the units and there would be an entry feature, we provided a board with a visual specific, we took the specifications of the wall and the natural materials intended to be landscaped so you can get a pretty realistic view looking into the site what the entry feature would look like, very handsome stone wall that's intended to take or share the likeness of stone walls.

MR. PETRO: You have a lot of stone outcroppings that you're leaving so it's going to match that all.

MR. MILLER: Series of plant materials that will provide color during all seasons. We provided the board with a traffic study. The project is expected to generate about one car per minute during the morning and evening peak hours, somewhere between 60 and 75 vehicles. We projected about 50% will travel to the north, 50% to the south. We're proposing one access point onto Temple Hill Road, the access will consist of three 12 foot paved lanes, one inbound and two outbound that will separate left and right turning traffic. As John indicated, we met with the New York State DOT in the field and we have also met with the Traffic and Safety Division and the Planning Division up at Region 8 in Poughkeepsie, the after discussions with the state it was suggested that the southerly access in fact was not necessary, there was a sight distance issue at that location, it was felt that the northerly access was workable. Also, the DOT is seeking to limit the number of curb cuts on Route 300 and as a result of that, we have eliminated that southerly access. We're advancing a work permit with the DOT, we're, our most recent correspondence from the DOT was dated August 8 addressed to the planning board. I don't believe that there are any significant issues in the DOT's letters and what they have basically advised us is that we will need a work permit for the curb cut in the state right-of-way and basically, they don't have a problem with the one primary access that's being proposed. With respect to utilities, as John indicated water service will be provided through an extension of water district number 5, there's currently a ten inch water main located at the eastern portion of the right-of-way of New York State 300, the property's in sewer district 17 and there's a 12 inch main located north of the site in Continental Manor residential development. Regarding the historic district that you mentioned, Mr. Petro, we did retain a state certified archeologist to do Phase 1A and 1B study, basically, that report has been submitted to the Office of Parks, Recreation and Historic Preservation, the methodology for the study was developed in concert with Office of Parks.

MR. PETRO: Copied our historian?

MR. MILLER: We have provided the town with ten copies of the document.

MR. PETRO: We have a letter back from him.

MR. MILLER: We do have a letter back from him and I will say we have made extensive and extraordinary efforts to try to keep him in the loop and be involved in the project. He's a guy who's hard to get ahold of. But nonetheless, 1A and 1B study included testing on the site. We also identified a couple areas where there was some sensitivity. We used a metal detector, we did a transection through certain areas to see if we can find anymore indication of either native American or European American or real Revolutionary war remains what we found was a possibility of a deer stand that had eroded on the property.

MR. PETRO: We've got to hold it up right there then. How about the old road that goes through there? I'm talking about not real old, the original Temple Hill Road road, there's parts that go through the property, you'll just rip that up?

MR. MILLER: Yes, basically, that road kind of follows I think part of this pathway.

MS. SAMUELSON: Comes through here.

MR. MILLER: So that would become part of our road system. We expect or hope to start this project early next year, we think it will be an 18 month construction period. Obviously, we will be posting performance bonds with the town for erosion control, sediment control, et cetera, we're going to need approvals from your board, the water district extension, the Department of Health for water main and sewer main extension.

MR. PETRO: How about sewer capacity, buy the points?

MR. MILLER: There's an agreement with Moodna for sewer capacity. So that's my presentation, Mr. Chairman and

we'd be happy to entertain any questions.

MR. PETRO: Can you repeat that?

MR. LANDER: Visitors parking, how many spots do you have for a block of units, three spaces for visitor parking?

MS. SAMUELSON: Three plus the clubhouse.

MR. LANDER: For each cluster of units you only have three spaces?

MR. MILLER: Yes.

MS. SAMUELSON: Right, one garage spot I guess plus the two in the driveway.

MR. LANDER: You're using the garage as a parking space? You're counting that in your calculation?

MR. MILLER: Yes.

MR. PETRO: This is a public hearing, at this time, I'm going to open it up to the public.

MS. MASON: When were they mailed out, the certified letters?

MS. SAMUELSON: Mailed out September 6.

MR. PETRO: On September 6, 2002, 10 addressed envelopes went out certified mail with the attached notice of public hearing, if anyone is here to speak for or against this application, please be recognized by the Chair, come forward and state your name and address and your concern. Would anyone like to speak? Yes, sir?

MR. KENNEDY: My name is Richard Kennedy, I live at Continental Manor as to Mrs. Coriffy, Mrs. Delasandro, Jim McKilly is our agent, I have one question. This is predicated upon the fact that this is the first time I've heard this, but I should like to ask a question concerning entrance egress onto 300. We have the

traffic now on 300 is horrendous, should this go through and I have heard the business about one whatever it was this is predicated I guess upon one car. Well, if the individuals who live there have two cars, does that change the focus at all and in consequence I'm asking what are they going to do about the traffic?

MR. MILLER: The traffic study is based on national inventories of projects of this nature, car ownership is generally not an issue when it comes to trip generation. What really is of concern is the volume of trips that are taking place during the peak commutation periods, that would be the morning period between 7 in the morning and 9 in the morning and the afternoon period between 4 and 6. The gentleman is correct, there are heavy volumes of traffic on Route 300. That's one of the reasons why we separated our left and right turn for egress to the property so there would be no delays for people making left turns which are when you have longer delays than right turns, but the trip generation numbers for the peak hour period is what was used based on information from the Institute of Transportation.

MR. PETRO: Generated from the count of unit in the site?

MR. MILLER: Based on the types of units and the number of units in the site, yes, and generally, 124 units as I indicated is going to generate somewhere between .5 and .6 trips per unit during the peak hour period during the course of the day, there will be other trips as people do errands, drop the kids off, pick them up after school, but statistics and studies have found that that's the typical trip generation.

MR. PETRO: How far is your entranceway away from the entranceway into Continental Manor, 300 feet?

MR. MILLER: Probably 400 feet.

MS. SAMUELSON: About 450 feet.

MR. PETRO: So I'm sure New York State DOT is going to

look at that saying somebody's pulling out of Continental Manor they have 450 feet sight distance.

MR. MILLER: They have looked at it, we were out in the field with them at our location and we do not believe there will be a problem.

MR. PETRO: I see you have 800 feet sight distance in the direction but you're 450 feet from the other entranceway, they felt that wasn't a problem?

MR. MILLER: The requirement generally for these type of curb cuts are 300 feet based on the DOT manual, so I don't think we're going to have a problem.

MR. PETRO: That curb entrance is going to be approved or disapproved by New York State DOT. It's not our call as far as the entranceway itself, the location of the entranceway, so they're going to do a complete review and give us their information and we're going to go with whatever they say.

MR. MILLER: They will not review this now until after this board has taken action for the work permit, so we have taken it as far as we can with the DOT right now.

MR. PETRO: Does that answer your question sufficiently?

MR. KENNEDY: Well, to an extent, it's rather unfair of me to discuss anything at this particular time because I'm not cognizant with that, concerning that which they're talking about, to end my sentence with a preposition. However, what I am most intrigued with is the traffic on that road, for example, every once in a while, somebody think's he's Water Middie and comes down there zooming away with wild abandon and I foresee with business picking up, school children and things of that nature there might be a tragedy in the offing.

MR. PETRO: Thank you. Yes, sir?

MR. MCKILLY: My name is Jim McKilly, I run real estate properties in the area, including Continental that the people here live in. I'm pretty familiar with the

traffic flows on that road. I'm familiar with studies also and unfortunately, you can't be in the field as opposed to studies, I really don't think these three bedroom units, predominately it's, obviously they're going to be occupied mostly by families who are at least going to have two cars per unit, so I find the traffic analysis although divided up correctly mathematically, I think in the course of human endeavor where people follow their normal plan of getting up in the morning, et cetera, isn't going to pan out. In other words, a wife and a husband are basically going to head for New York City to commute because that's predominantly what this market is going to be and they are going to turn left, not going to turn right because they're going to start heading down towards Harriman to pick up the Thruway which I think is going to create a sizable problem for Five Corners, considering there has been quite a few accidents that have been very much a problem for Continental and some of the other areas in there, a lot of bodily harm, et cetera, to the point where there's flowers out on the road for people that have been bodily injured there. I think there's a tremendous underestimation of what the traffic issue is going to be there but that said, and I understand that the DOT is the one who's supposed to take a study on this, but just a couple, one other question I have, I understand there's a retention pond at the bottom of the site over next to the entranceway for Continental, is that correct?

MR. PETRO: Yes.

MR. MCKILLY: Are the elevations that are concerned with the complex going to be changed to create water in that area and if so, is there any preparations or to make that not go stagnant which would be a concern because it's already low.

MS. SAMUELSON: Right, it is already low, actually, it flows back this way and goes across the street so all the water that wouldn't go in this direction on Continental Manor, it would be directed back towards the existing culvert that goes underneath.

MR. MCKILLY: Well, that retention area is right next

to the entranceway, that's probably, like I said, from personal experience, I'm sure the rest of us would verify that's the lowest point and if the elevations up above change that I was concerned there's a drainage pipe in there but the drainage for the storm drainage going over there, but is that going to be attached to that? What's the purpose of the retention pond?

MS. SAMUELSON: The purpose, well, this, mainly this retention is for water quality for the area that we couldn't direct back to these ponds so basically, it's just from like here down so that the first blush runoff is not, you know, being directly, discharged into the DEC wetlands across the street, there's the water quality mitigation here before it's discharged.

MR. PETRO: In other words, sir, I think I know what you're asking is that detention pond in theory is supposed to let the water collect quickly in the detention pond and the invert is normally very high in the pond, as the water comes up, it will let the water out slow later after it stopped raining or as the water comes in at the same rate that it's already leaving the property without all the houses being built on it. In theory, the other part of the your question is better pointed in what keeps the water in the detention pond from getting stagnant if the invert is this high and you have this water at the bottom all the time.

MR. MCKILLY: Considering West Nile Virus, et cetera.

MR. PETRO: That's a good question. I always wondered about that myself.

MS. SAMUELSON: The detention ponds, you want them to infiltrate into the pond, you want ground water infiltration so we would I guess try to make the bed of the pond.

MR. PETRO: That's all shale and bedrock and clay so I don't believe it's going to go anywhere. I believe the water is going to sit in the ponds. This isn't your pond, it's all the detention ponds, I always wonder about that, just sitting there. I'm not a great proponent of detention ponds and seepage pits. It's a

convenient way to help builders get around the water problem of what to do with the water.

MR. LANDER: I think we should build in the timetable into the ponds that the water should not stand for any longer than 24 hours.

MR. PETRO: How are they going to do that?

MR. LANDER: They can do that.

MR. PETRO: Mark, what's the answer?

MR. EDSALL: I don't know if there's a good answer because unfortunately every development is bound by the new regulations adopted both by the Federal government and by the State, water quality ponds are intended to hold water and provide a treatment alternative so that contaminated water is not discharged into adjoining water bodies. Difficulty is that when you hold water you've got the West Nile issue until the water is gone.

MR. PETRO: One saving grace would be that the 124 units that are being built around these ponds are going to have the same concern that you are having, if anybody has any brains there, the homeowner's association would take some steps to spray or work it out, make sure that the water is not standing, if it is, then treat it.

MR. MILLER: Typically, what we try to do with these types of areas is make sure that they're properly landscaped, if you have biological activities in the ponds, you generally avoid a stagnant condition. Biological activity can include microinvertebrates crow, tadpoles, things of that nature. Generally, you can't have minnows in ponds where there's not a permanent pool of water.

MR. PETRO: Are you going to together supply the frogs?

MR. MILLER: I can assure you those frogs will be there within six months.

MR. PETRO: We're going to put that on the plan.

MR. MILLER: But I really rarely find problems where there's good biological activity with the proper plantings, they become like a wetlands.

MR. LANDER: It's not like a catch basin where the water stands in there.

MR. MILLER: No.

MR. PETRO: As far as the traffic on 300, sir, again, and I say this probably every public hearing, they have a right to the road the same as the last people did and as long as DOT looks at it and sight distance complies and they don't feel that that's a hazard to anybody getting hit there once they leave the site, it's not the applicant's problem down in the Five Corners, there's going to be more cars and I go through Five Corners, it's a nightmare and everybody else here does. And I agree with you, but we have to look at this the way the law looks at it and as this application as I said before I'm repeating myself they have a right to the road the same as Continental Manor did when they built it for you. anybody else on a different subject? Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Covington Harp Estates site plan on a Temple Hill Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I will reopen it up to the board for

further comment. Do you have anything else in your presentation? I think that was complete. Mark, do you have any comments at this time?

MR. EDSALL: No, not at this time.

MR. PETRO: You need to get all the other things taken care of, water, sewer, I guess we're going to come back to the road. Tom, you have something?

MR. KARNAVEZOS: I'd really like to see some more visitor parking spaces, you have three parking spaces for 16 units right here in this corner, I know and you know they have company and you're going to need to do something about that.

MR. PETRO: You have enough refuse on this? I only see a couple here and there, I guess you did your homework and that's probably enough. Mark, why don't you look into that, it's a little sparse, we'll get back to you on the road.

MR. CAPPELLO: Just a couple questions as to who will coordinate on the water issue. Now we've been to the town but the town, it's kind of a chicken and egg, the town if we go to them and ask them to extend the water district before they have an indication that we have preliminary approval or SEQRA is completed, are they going to want to act or kick us back to say legitimately we have been there, we have worked out the details in concept, I mean, is that something you want us to pursue now or something that would wait till the, till we have preliminary approval?

MR. PETRO: What's left for preliminary?

MR. EDSALL: There is no such thing as preliminary approval on a site plan, that's the first problem. Second idea is John is absolutely right, the next normal step would be to close out SEQRA, we're not ready to do that at this time, but what John and I can do is follow up with Dick McGoey, see if he's made his recommendation, close it out with the town, see if they are waiting for you or willing to proceed, if they're willing to extend the district, it doesn't matter what

we do here, it will be out of the way.

MR. PETRO: I would prefer the Town Board extend the district before we do any approvals again.

MR. CAPPELLO: Well, the Town Board will have to do SEQRA also to extend the district, if you do SEQRA on the design and on the environmental impacts, it's very easy for them to say based upon the Planning Board's review, based upon the Planning Board we negative dec this to create the district, otherwise cause you are lead agency, you get into a chicken and the egg.

MR. PETRO: I agree with that statement but I still think that to have an approval on 124 units prior to having water available to them.

MR. CAPPELLO: It would be SEQRA conditioned upon us, we have to get the DOT to sign off and they're not going to move until SEQRA and the various other agencies aren't going to move until SEQRA's done, we can't build or get our site plan signed until we have all the approvals.

MR. PETRO: Work it out with Mark, get your chronological order in proper shape and we're going to go along with it conceptually, we have seen it a number of times, there's not a lot left to keep reviewing, reviewing, reviewing because nothing's really changing. If you have a comment from Tom that he wants to see some more parking, come up with an idea for that. Ron is going to look at landscaping around the ponds.

MR. LANDER: Do we need holes in the ground, maybe we can have these contain the waters underground, maybe we can look at something like that. I don't know how much of an area you have to cover with these three ponds.

MR. MILLER: They have all been sized to accommodate the amount of runoff. What we can do is, and percolation is there naturally, we can bring in materials and provide the percolation.

MR. PETRO: I'm going to talk to Mr. Kroll at the Highway Department, this is to be a town or private

road in here, Mark?

MR. CAPPELLO: It's really up to you, we were offering it to the town so the town has the ability if they wanted to.

MR. PETRO: I think the spine road.

MR. EDSALL: Wasn't that already closed on?

MR. CAPPELLO: I don't know, it was closed on, we were offering it, this could be a town road, but these spines.

MR. EDSALL: I think the town owns it now, I think the whole thing.

MR. CAPPELLO: No, we gave a deed to correct it.

MR. EDSALL: But I think Phil Crotty actually took the deed and recorded the deed, actually, there's a fee ownership.

MR. CAPPELLO: I don't know if he recorded it yet but okay.

MR. EDSALL: We should check to see what he did.

MR. PETRO: Just be prepared to bring the road to the property line, but I want to talk to Mr. Kroll to make sure he's going to, he's not going to say I don't want it there because I can't plow it. I'll talk to him.

MR. CAPPELLO: If we found out what because these aren't the first detention ponds and West Nile and I'm sure Continental Manor has a couple detention ponds and there are procedures now as to how to handle them, we we could put in a program if that was a concern.

MR. PETRO: Okay, thank you.

(Whereupon, a brief recess was taken.)